

KENTUCKY BOARD OF DENTISTRY

FALL 2005
NEWSLETTER



10101 Linn Station Road, Suite 540, Louisville, Kentucky 40223
Phone: 502-429-7280 Fax: 502/429-7282 Website: www.dentistry.ky.gov

Purpose of the Board of Dentistry

The Kentucky Board of Dentistry was created by the General Assembly to protect the public by regulation of the practice of dentistry and dental hygiene through licensure, approval of educational standards, and registration of dental laboratories and technicians. The Kentucky Board of Dentistry is a separate and distinct entity from any professional association and is an agency of the Commonwealth of Kentucky.

HIV/AIDS COURSES

Effective March 2005, the Board broadened its interpretation that an HIV/AIDS course only counts toward Category A credits under 201 KAR 8:140. Now, a licensee may obtain credit for either Category B or Category C credits ***as long as the course is not being used to satisfy the Category A credit for the HIV/AIDS requirement for the KY Cabinet of Health Services.***

If you use HIV/AIDS for Category B or C credit, it does not have to be approved by the KY Cabinet for Health Services. Such courses must still meet the requirements of Category B or Category C credit.

KASPER

Kentucky All-Schedule Prescription Electronic Reporting

A large threat to patient safety in the Commonwealth of Kentucky is the abuse, misuse, and diversion of controlled pharmaceutical substances. The Commonwealth has provided a tool to help health care providers identify patients who may be at risk. The Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) catalogs most of the Schedule II-V controlled substance prescriptions written and dispensed within Kentucky.

With the renewal of dental licenses this year, there will be a brochure included to help identify how KASPER can help dentists address the issue of controlled pharmaceutical substance abuse.

Contact With Board Members

The Kentucky Board of Dentistry has 9 members. They are appointed to regulate the practice of dentistry and dental hygiene in Kentucky. One of the responsibilities of the Board members is to approve licensure applications to practice dentistry or dental hygiene. Once licensed, a licensee may have action taken on his or her license if a violation of the dental practice act is committed. The Board members determine the final action to be taken on a licensee after due process and majority vote.

When Board members are contacted directly by an interested party regarding an applicant for licensure, any information given to that Board member alone could sway his or her unbiased opinion regarding the applicant. This could result in the applicant not being given a fair opportunity to be approved by the full Board upon majority vote for licensure based upon his or her credentials and application.

If a Board member is contacted by an interested party regarding an investigation or disciplinary process, again this may sway his or her unbiased opinion regarding that licensee.

A Board member receiving communication that could sway his or her opinion may be required to recuse and not take part in a vote on the matter. This not only puts the applicant or licensee at a disadvantage, but this puts the Board member in an awkward position while trying to do his or her job.

Due to these concerns, it is advised that all correspondence concerning issues of an applicant or licensee be sent directly to the Board office. Phone calls are to be directed to the Board office. Board staff handle the day-to-day functions of the Board. If they are unable to help you with your concern, the staff will research the matter or advise you of the steps that need to be taken.

Please keep in mind that individual Board members are not authorized to make a decision for the entire Board.

University of Louisville is requesting your participation

A survey for all licensed dentists in Kentucky will be included with the mailing of the license renewal applications this year. This survey is being conducted by the University of Louisville, with Dr. Melanie Peterson, Principal Investigator of this project. It will be in conjunction with the Oral Health Program, Cabinet for Health and Family Services, Commonwealth of Kentucky. The survey is part of a three year grant to determine future dental workforce needs for Kentucky. Completion of the survey is voluntary, and a stamped, self-addressed envelope will be included for your convenience. Your participation is encouraged in order to get the best snapshot of the dental workforce in Kentucky. At the conclusion of the study, results will be presented for discussion and input from the dental community. The University of Louisville School of Dentistry would like to thank you in advance for taking a few moments to complete the survey.

ALL CHANGE OF ADDRESSES MUST BE REPORTED TO THE BOARD OFFICE IN WRITING.

The following information is needed when requesting a change of address:

Name

License number

The address being changed, home and/or business

For Dentist: When reporting a change for a business address you must use the street address. Post office boxes are not accepted as a business address. You may use a post office box for your mailing address. Indicate if your home or your business is your preferred mailing address.

For Hygienist: When reporting a change in employment, we will need to know the name of the dentist, city, state, and phone number.

PLEASE NOTE

The Board of Dentistry's phone numbers have changed:

Phone number: 502/429-7280

Fax Number: 502/429-7282

Patient Records

The Board **does not** have any laws regarding how long a dentist shall keep patient records. You may contact your malpractice insurance carrier or a private attorney.

Also, under KRS 422.317, patients are entitled to one copy of their records at no cost. The law **does not** contain any language that would allow a dentist to refuse to release a copy of the patient's records to the patient for **any reason**. If possible, x-rays should be a part of the record. However if duplication of the X-ray is not possible, then a written narrative of that x-ray would meet the requirement of KRS 422.317.

Dental Anesthesia Permits

Any dentist who wants to administer general anesthesia, I.V. conscious sedation, or oral sedation for patients under the age of 13, must first secure a permit from the Board. To receive a permit, an application with supporting documentation of education and experience must be submitted along with the permit application fee. An office inspection must also be done before anesthesia can be performed in a dental office. A permit *will not* be issued for any of the above types of permits until all requirements have been met. Until a permit is issued, anesthesia *cannot be* administered.

GENERAL SUPERVISION FOR DENTAL HYGIENISTS

In 2002, KRS 313.310(3) was passed allowing dental hygienists to provide dental hygiene services when the supervising dentist is not present. Since this became law, the Board of Dentistry has investigated some complaints related to General Supervision. This specific incident took place.

A new patient was said to have an initial appointment at a dental office. She completed her health history and was then seen by a dental hygienist. She had bite wings taken and then had her teeth cleaned. Following these services it was suggested she return to the office for continuing care. The patient requested to see the dentist at this appointment and she was told there was not a dentist present at this time.

The dentist, practice owner, was on vacation. Even though the dental hygienists in the practice did have General Supervision certification, the dentist had employed another dentist to “cover” the practice in his absence. The “substitute dentist” changed some of the hours of coverage she was available to work. The hygienists continued to see patients as originally planned. Some of the patient encounters were acceptable and did conform to the law, some did not. Disciplinary action was taken.

The details of a written work order are very important. All 7 seven requirements MUST be in place. Any missing information allows for Board discipline to be taken against the hygienist as well as the dentist employer.

PLEASE TAKE NOTE! When complaints are received regarding misuse of this privilege, an investigation will follow. If proven deficiencies exist, formal charges will be made by the Board against both the dentist and the hygienist. Disciplinary action will be based upon the widespread use of the violations found.

Below are requirements which must be met in order for a Dental Hygienist to practice without the dentist being present.

- ◆ The dental hygienist shall: have at least two (2) years and a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene; complete a medical emergency course approved by the Board, and; obtain approval from the Board
- ◆ The dental hygienist shall provide only those services established in KRS 313.010(3)
- ◆ An oral examination of the patient by the dentist shall have been completed prior to seven months of the treatment by the hygienist practicing under general supervision
- ◆ The dentist shall complete a written order prescribing the dental service or procedure to be done to a specific patient by the dental hygienist.
- ◆ The original order will be retained in the patient’s dental record.
- ◆ The written order shall include:
 1. Medical History update
 2. Radiographic records requested
 3. Dental hygiene procedures requested
 4. Name of the Patient
 5. Date of last oral exam
 6. Date of the written order
 7. Signature of the dentist

Failure to follow these guidelines may result in disciplinary action being taken against the dentist and the hygienist license. If you have any questions regarding General Supervision, contact the Board office.

BOARD DISCIPLINARY ACTIONS TAKEN March 2005 – September 2005

The following is a summary of disciplinary actions taken by the Board. It is intended as a summary for information purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records.

Barbara Cooper, RDH
Cartersville, GA
March 12, 2005

Non-Compliance with Continuing Dental Education. Settlement Agreement. Admitted violating law. \$250.00 reimbursement for Board costs and \$50.00 per deficient hour for a total amount of \$1250.00. Comply with terms as set forth in settlement agreement.

Kevin Huff, RDH
Hyden, KY
March 12, 2005

Non-Compliance with Continuing Dental Education. Settlement Agreement. Admitted violating law. \$250.00 reimbursement for Board costs and \$50.00 per deficient hour for a total amount of \$300.00. Comply with terms as set forth in settlement agreement.

Amy Plewke, RDH
Ft Mitchell, KY
March 12, 2005

Non-Compliance with Continuing Dental Education. Settlement Agreement. Admitted violating law. \$250.00 reimbursement for Board costs and \$50.00 per deficient hour for a total amount of \$750.00. Comply with terms as set forth in settlement agreement.

Sheila Stephan, RDH
Lexington, KY
March 12, 2005

Non-Compliance with Continuing Dental Education. Settlement Agreement. Admitted violating law. \$250.00 reimbursement for Board costs and \$50.00 per deficient hour for a total amount of \$350.00. Comply with terms as set forth in settlement agreement.

Nancy Storie, RDH
Johnson City, TN
March 12, 2005

Non-Compliance with Continuing Dental Education. Settlement Agreement. Admitted to violating the law. License retired as if suspended.

John C. Ballard, DMD
Lexington, KY
May 13, 2005

Delegating the taking of x-rays to dental auxiliary personnel without the documentation maintained as mandated by 201 KAR 8:130(1). Settlement Agreement. Reprimand, \$500.00 for administrative costs.

Tonya L. Jones, DMD
Covington, KY
May 13, 2005

Delegating the taking of x-rays to dental auxiliary personnel without the documentation maintained as mandated by 201 KAR 8:130(1). Settlement Agreement. Reprimand, \$500.00 for administrative costs.

William S. Hopkins, DMD
Bowling Green, KY
July 8, 2005

Prescribing other than in the course of the professional practice of the dentist and prescribing a controlled substance to himself. Settlement Agreement. Reprimand. Partial DEA surrender. Reprimand was for prescribing a controlled substance for legitimate pain control after a surgery to repair a severe, open-wound, fibular fracture.

Jodi Koford, DMD
Louisville, KY
September 9, 2005

Prescribing a legend drug other than in the professional practice of the dentist and prescribing a legend drug in inappropriate amounts or quantities not in the best interest of the patient and failure to maintain documentation. Settlement Agreement. 3 yrs probation, \$500.00 or administrative costs, surrender DEA permit. Comply with all terms as set forth in settlement agreement.

Roger D. McAlpin, DMD
Edgewood, KY
September 9, 2005

Addiction to a drug habit. Settlement Agreement. 5 yrs probation, surrender of DEA Permit, active membership in the Well Being Committee. Comply with all terms as set forth in settlement agreement.

Don Bowman, DMD
Louisville, KY
September 9, 2005

Addiction to a drug habit. Settlement Agreement. 5 years probation, surrender of DEA certificate, active membership in the Well Being Committee. Comply with all terms as set forth in the settlement agreement.

WELL BEING COMMITTEE **Brian Fingerson, R.Ph., Chair**

Reports have been prepared in the past week for the boards of three healthcare professions. These reports speak of work with 81 healthcare professionals who have experienced problems with use of alcohol/drugs. Some of these 81 continue to face legal charges; some still face professional discipline; some are struggling with decisions about returning to the profession for which they spent years in training. Yet what really stands out from these three reports are the overwhelming number of those 81 who have successfully returned to the practice of their chosen profession.

They have been allowed to return to the practice of their profession because their licensing boards have come to realize that addiction is a disease that is treatable. It is not a moral failing. Their licensing boards have come to realize that appropriate treatment and consistent monitoring of the professional's recovery after treatment can allow that person an opportunity to again become a productive member of the profession as well as a productive member of society in general.

Take whatever opportunities that you find to educate yourself about how your profession's recovery program can help that colleague who may be in trouble with substance dependency.

Confidential help is available through the Kentucky Professionals Recovery Network – KYPRN. Brian Fingerson may be reached at 502-749-8385 or at kyprn@insightbb.com.

CHANGE OF ADDRESS FORM

Dentist ☐ Hygienist ☐ Name _____ License No. _____

(For Dentist Only) - Preferred Mailing Address Business ☐ Residence ☐

Business Address

Name of Business (if applicable) _____

Address _____

City _____ State _____ Zip _____

Phone _____ KY County _____

Residence Address:

Address _____

City _____ State _____ Zip _____

Phone _____ KY County _____



Kentucky Board of Dentistry
10101 Inn Station Rd., Ste. 540
Louisville KY 4022

DENTAL LICENSE RENEWALS

Dentists shall renew their Kentucky dental licenses for 2006-2007 by December 31, 2005. This year, all dentists will have the opportunity to renew on-line. Information on how to renew on line will be mailed to you. The cost of renewal is \$230.00. If renewed on-line, there is an additional convenience fee of \$5.00 added to the cost of the renewal, for a total of \$235.00. If you have an anesthesia permit, there is an additional permit renewal fee of \$30.00 for a total of \$260.00 or \$265.00 if renewed on line.

REPORT OF INJURY OR MORTALITY

201 KAR 8:390 Section 6. Report of Injury or Mortality states in full: "A licensee engaged in the practice of dentistry in the state of Kentucky shall submit a complete report within thirty (30) days to the Board of a mortality or other incident occurring in an outpatient facility of the dentist which results in temporary or permanent physical or mental injury requiring hospitalization of the patient during or as a direct result of a dental procedure or related use of general anesthesia, deep sedation, conscious sedation with a parenteral drug, or enteral sedation."

The Board interprets this law to mean that a written report of the incident be submitted to the Board office if the injury/mortality resulted in the patient being admitted into the hospital or died.

Board of Dentistry Exempt from HIPAA

The Kentucky Board of Dentistry has the authority under federal law to obtain private health information of dental patients, including dental records. The Health Insurance Portability and Accountability Act (HIPAA) allows state agencies such as the Board to obtain this information as part of the Board's "health oversight activities" and "administrative proceedings." Disclosure by the dentist is permitted under 45 CFR Section 164.512(a), (d), and (e). Failure to respond to the Board may result in disciplinary action against the dentist for such failure. Such private health information is generally exempt from disclosure to the public under Kentucky law regarding state records. Although it is generally exempt from disclosure, the information will be used within the scope of a Board investigation and disciplinary action, if applicable.

This HIPAA notice citing the federal regulations, above, is pre-printed on each of the Board's Administrative Subpoena and Orders.

Board Web Site

The Board's web site can be a very useful tool. We encourage you to visit our web

site at:

www.dentistry.ky.gov

The Kentucky Board of Dentistry does not discriminate based on race, color, national origin, sex, religion, age or disability in employment or provision of services.